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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,475	08/11/2005	Paul Andreas	P05,0075	3598

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EXAMINER

WILLIAMS, KIMBERLY A

ART UNIT	PAPER NUMBER
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2625

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/527,475	Applicant(s) ANDREAS ET AL.	
	Examiner Kimberly A. Williams	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/11/05</u> | 6) <input type="checkbox"/> Other: _____ |

Claim Objections

1. Claims 12-14 are objected to because of the following informalities: Claim 12, line 4 "within" is misspelled. Claims 13 and 14 are objected to for depending on claim 12. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear which previous step "the determination of the color association of the color reproduction device" is referring to. Is it the color values used for the "image specific color association" or some other association?

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 11-13 and 15-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Tohyama et al. (US 6763135).

Regarding **claim 11**, Tohyama teaches a method for optimized color reproduction of a color original image by a color reproduction device, comprising the steps of: determining color values of a color space of the original image (fig. 3B r1'); determining a color space of the color reproduction device (r0); comparing the color spaces of the original image and of the color reproduction device and establishing which color range of the original image cannot be reproduced by the color reproduction device; via a color adaption method, providing only one adaptation of the non-reproducible color range of the original image, and of a boundary range bordering this non-reproducible color range, to the color space of the color reproduction device (r2'; via second compression block 122), and then generating an image-specific color association (col. 4, lines 41-54); and outputting the original image by the image reproduction device (printer 20) according to the image-specific color association (col. 3, lines 4-59).

Regarding **claim 12**, Tohyama teaches a method according to claim 11 wherein for creation of the image-specific color association, an adaptation of the color space of the original image to that of the image reproduction device occurs when the color space of the original image does not lie within the color space of the color reproduction device (col. 4, lines 41-54).

Regarding **claim 13**, Tohyama teaches a method according to claim 12 wherein an image-independent standard color association is loaded when the color space of the color reproduction device covers the color space of the original image (col. 3, lines 21-25).

Regarding **claim 15**, as best understood by the language of the claims, Tohyama teaches that the determination of the color association of the color reproduction device, the color values necessary for the determination are smoothed (another process, fig. 5, step 8 masking is performed, col. 4, lines 15-20).

Regarding **claim 16**, Tohyama teaches that the color association is stored in a table as a profile of the color reproduction (histogram fig. 4; col. 3, line 60- col. 4, line 4).

Regarding **claim 17**, Tohyama teaches that the color association is stored as a function (histogram function fig. 4; col. 3, line 60- col. 4, line 4).

Regarding **claim 18**, Tohyama teaches that the color reproduction device comprises a printer (20).

Regarding **claim 19**, Tohyama teaches that the color reproduction device comprises an electrophotographic printer.

Regarding **claim 20**, Tohyama teaches that the output original image comprises a proof, which is output in a proof device (col. 1, lines 10-11).

Regarding **claim 21**, please refer to the teachings of claim 11.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tohyama in view of Marsden et al. (US 6225974).

Regarding **claim 14**, Tohyama fails to specifically disclose that the standard color association comprises the color association characterizing the color transfer properties of the color reproduction device. This is taught by Marsden (col. 11, lines 35-42).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly A. Williams whose telephone number is (571) 272-7471. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kimberly A Williams
Primary Examiner
Art Unit 2625

KAW
November 6, 2007